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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,720	07/26/2001	Rohit Ricky Joshi	63596	6542

7590 04/20/2006

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EXAMINER

OYEBISI, OJO O

ART UNIT PAPER NUMBER

3628

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/915,720	JOSHI ET AL.	
	Examiner	Art Unit	
	OJO O. OYEBISI	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/26/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Solomon (US PAT: 6,035,288).

Re claim 1. Solomon further discloses an interactive computer system for an automated auction forum, said system comprising: a database containing information describing an auction entered by a seller (i.e., merchant); interface means for enabling a bidder to input a bid in said auction in response to portions of said information displayed to said bidder from said database (see col.2 lines 16-20); and a database engine utilizing said information to calculate counter bids in response to said bidder (see col.2 lines 16-35); wherein said bidder enters bids and said database engine produces counter bids until a price is negotiated with said bidder on behalf of said seller (see col.2 lines 16-39, also see col.5 lines 9-20).

Re claims 7, 8. Solomon discloses a computer implemented method for running an automated auction forum, said method comprising the steps of: storing information entered by a seller (see col.3 lines 42-45); receiving a bid entered by a bidder (i.e., an interface for receiving purchase data, see col.2 lines 15-20); calculating an aim price (i.e., compute merchant's new offer) based on said information entered by said seller; comparing said bid entered by said bidder to said aim price, computing a happiness

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variable based on the proximity of said bid to said aim price; offering a counter bid based on said bid; determining if said counter bid is a final counter bid based on said happiness variable (i.e., Each time a customer submits a new counteroffer, the database engine uses various data to compute a new merchant offer and emotional state, such as the reasonableness of the counteroffer, as determined by the divergence of the customer's counteroffer from a predetermined expected value; the response time of the customer; and the aggregate emotional state responses of the customer throughout the negotiating process, see col.5 lines 7-20), and repeating the steps until said bid matches or exceeds said aim price or until a final counter bid is offered (i.e., Upon successful completion of data entry, the merchant begins the negotiating process by making an initial offer to sell to the customer the selected merchandise at a particular price. The customer then would respond with a counteroffer, accompanied by dialogue intended to get the merchant to a favorable emotional state to accept the customer's offer, see col.3 lines 62-67), wherein a price is found through a process of negotiation with said bidder on behalf of said seller (see col.1 lines 45-50).

Re claim 9. Claim 9 recites similar limitations to claim 2, and thus rejected using the art and rationale in the rejection of claim 2.

Re claim 10. Solomon discloses the method as claimed in claim 9 further comprising the steps of finding a percentage that said maximum selling price is greater than said minimum selling price and adjusting said hardness of sell variable based said percentage (see col.5 lines 20-30), a time decay variable (i.e., response time, see col.5

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lines 14-15) based on said duration, and a randomizer variable (i.e., an upsell, see col.5 lines30-35).

Re claim 11. Claim 11 recites similar limitations to claim 2, and thus rejected using the same art and rationale in the rejection of claim 2.

Re claim 12. Solomon further discloses the method as claimed in claim 11, wherein said aim price is further calculated utilizing said happiness variable (i.e., the database engine uses various data to compute a new merchant offer and emotional state, such as the reasonableness of the counteroffer, as determined by the divergence of the customer's counteroffer from a predetermined expected value; the response time of the customer; and the aggregate emotional state responses of the customer throughout the negotiating process, see col.5 lines 7-20).

Re claim 13. Solomon further discloses the method as claimed in claim 7 further comprising the final step of allowing said bidder to accept or reject said final counter bid (i.e., Upon successful completion of data entry, the merchant begins the negotiating process by making an initial offer to sell to the customer the selected merchandise at a particular price. The customer then would respond with a counteroffer, accompanied by dialogue intended to get the merchant to a favorable emotional state to accept the customer's offer, see col.3 lines 62-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon in view of DAS et al (US Pub no: 2003/0023538).

Re claim 2. Solomon further discloses the interactive computer system of claim 1, wherein said information entered by said seller comprises a real price (i.e., a particular price, see col.3 lines 62-65); a description (i.e., merchandise brand interface data, see col.3 lines 42-50, also see col.3 lines 54-60), except for a hardness of sell variable and a duration, maximum selling price, and minimum selling price. However, Das makes this disclosure (see pg 8 paras 0090, pg 5 paras 0064). Thus it would have been obvious to combine Solomon and Das to enable the sellers to associate the product offered for sale with multi-attribute utility functions.

Re claim 3. Solomon further discloses the interactive computer system of claim 2, wherein said database engine calculates an aim price based on said information entered by said seller, and wherein said database engine compares said bids entered by said bidder to said aim price to determine if said bid is accepted (i.e., The known commercial Web sites are interactive only to the extent that a customer is able to choose a particular item for purchase and to enter payment and shipment information. Such Web sites include so-called "auction" sites such as NetMarket.RTM. (www.netmarket.com), in which users may consecutively enter prices they are willing to pay for specific products, until a set deadline, thus bidding up the price. The product is then sold to the customer with the highest bid, see col.1 lines 15-35).

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Re claim 4. Solomon further discloses the interactive computer system of claim 3, wherein said database engine calculates a happiness variable based on the proximity of said bids entered by said bidder to said aim price (see fig.4).

Re claims 5 and 6. Solomon further discloses the interactive computer system of claim 4, wherein said database engine tracks said happiness variable in relation to a lower bound, and wherein if said happiness variable falls below said lower bound said database engine offers a final counter bid (i.e., The customer then would respond with a counteroffer, accompanied by dialogue intended to get the merchant to a favorable emotional state to accept the customer's offer. (10) In addition to making an offer to sell, the merchant may ask the customer a yes/no question. This is intended to build a demographic profile of the customer which will be stored and used in later sessions with the same customer. The customer's response will also be used to calculate a new emotional state of the merchant which will determine the merchant's response to the customer's counteroffer, see col.4 lines 1-60).

Re claim 14. Solomon further discloses a computer implemented method for running an automated auction forum, said method comprising the steps of: storing information entered by a seller (see col.3 lines 42-45), said information comprising an item description (i.e., merchandise brand interface data, see col.3 lines 42-50, also see col.3 lines 54-60), a maximum selling price, a minimum selling price, a real price (i.e., a particular price, see col.3 lines 62-65), a duration of sale, and a hardness of sell variable; receiving a bid entered by a bidder; finding a percentage that said maximum selling price is greater than said minimum selling price (see col.5 lines 20-30);

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adjusting said hardness of sell variable based said percentage (see col.5 lines 20-30), a time decay variable based on said duration (i.e., response time, see col.5 lines 14-15), and a randomizer variable (i.e., an upsell, see col.5 lines 30-35); calculating an aim price (i.e., compute merchant's new offer) based on said adjusted hardness of sell, said maximum selling price, said minimum selling price, and said real price; comparing said bid entered by said bidder to said aim price; computing a happiness variable based on the proximity of said bid to said aim price; offering a counter bid based on said bid and said aim price; determining if said counter bid is a final counter bid based on said happiness variable (i.e., Each time a customer submits a new counteroffer, the database engine uses various data to compute a new merchant offer and emotional state, such as the reasonableness of the counteroffer, as determined by the divergence of the customer's counteroffer from a predetermined expected value; the response time of the customer; and the aggregate emotional state responses of the customer throughout the negotiating process, see col.5 lines 7-20); repeating said steps until said bid matches or exceeds said aim price or until a final counter bid is offered (i.e., Upon successful completion of data entry, the merchant begins the negotiating process by making an initial offer to sell to the customer the selected merchandise at a particular price. The customer then would respond with a counteroffer, accompanied by dialogue intended to get the merchant to a favorable emotional state to accept the customer's offer, see col.3 lines 62-67); and allowing said bidder to accept or reject said final counter bid; wherein a price is found through a process of negotiation with said bidder on behalf of said seller (see col.1 lines 45-50).

Solomon does not explicitly disclose a hardness of sell variable and a duration, maximum selling price, and minimum selling price. However, Das makes this disclosure (see pg 8 paras 0090, pg 5 paras 0064). Thus it would have been obvious to combine Solomon and Das to enable the sellers to associate the product offered for sale with multi-attribute utility functions.

Re claim 15. Solomon further discloses the method as claimed in claim 14, wherein said final counter bid is offered if a preset number of bids has been received (i.e., Upon successful completion of data entry, the merchant begins the negotiating process by making an initial offer to sell to the customer the selected merchandise at a particular price. The customer then would respond with a counteroffer, accompanied by dialogue intended to get the merchant to a favorable emotional state to accept the customer's offer, see col.3 lines 62-67).

Re claim 16. Solomon further discloses the method as claimed in claim 14 further comprising the step of recalculating said aim price based on said happiness variable after a first bid has been received (i.e., Each time a customer submits a new counteroffer, the database engine uses various data to compute a new merchant offer and emotional state, such as the reasonableness of the counteroffer, as determined by the divergence of the customer's counteroffer from a predetermined expected value; the response time of the customer; and the aggregate emotional state responses of the customer throughout the negotiating process, see col.5 lines 7-20, also see fig.4).

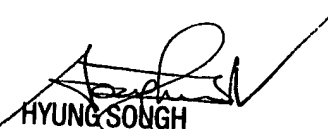
Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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